

29 JUL 2003



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In re Application of FOLINO et al.
Application No.: 09/913,233
PCT No.: PCT/CA00/00128
Int. Filing: 10 February 2000
Priority Date: 10 February 1999
Attorney Docket No.: 19345-087835
For: GASKET INSTALLATION APPARATUS

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: DECISION ON
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: RENEWED PETITION
:
: UNDER 37 CFR 1.47(a)
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This is a decision on applicant's Renewed Petition Under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 31 March 2003.

BACKGROUND

On 27 September 2001, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration along with a surcharge for filing the oath or declaration after the thirty month period was required.

On 27 November 2001, in response to the Notification of Missing Requirements, applicant filed a petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition requested the acceptance of the application without the signature of inventor, Salvatore J. Folino, on the grounds that the nonsigning inventor refused to execute the declaration. Subsequently on 28 March 2002, a decision was mailed to applicants dismissing the petition on the grounds that petitioner had not presented sufficient evidence to conclude that applicant/inventor Salvatore J. Folino refused to sign the application.

On 28 August 2002, applicant filed a request for reconsideration of the petition, which was dismissed on the grounds that ample time had not passed to allow Mr. Folino to respond to the request for his signature or to imply his refusal to sign.

On 31 March 2003, applicant filed the instant renewed petition under 37 CFR 1.47(a) along with a declaration executed by the previously non-signing inventor Folino. A review of the declaration reveals that it is in compliance with 37 CFR 1.497 and is accepted. With the submission of the executed declaration, applicant's renewed petition under 37 CFR 1.47(a) is moot.

CONCLUSION

The renewed petition under 37 CFR §1.47(a) is **MOOT**. The declaration submitted on

31 March 2003 meets the requirements of 37 CFR 1.497 and is acceptable.

This application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 date is **31 March 2003**.


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